

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

AUG 14 2006

  
CLERK

DAKOTA TRUCK UNDERWRITERS, )

Plaintiff, )

vs. )

ANNETT HOLDINGS, INC., )

Defendant. )

No. CIV 06-4139

NOTICE OF REMOVAL

The Defendant, Annett Holdings, Inc. states:

1. The Plaintiff, Dakota Truck Underwriters ("DTU"), is a reciprocal insurance company, owned by its policy holders, organized under South Dakota law and has its principal place of business in Sioux Falls, Minnehaha County, South Dakota.
2. The Defendant, Annett Holdings, Inc. ("AHI") is a corporation with its principal place of business located in Des Moines, Polk County, Iowa.
3. This action was commenced by Plaintiff in the Second Judicial Circuit Court for Minnehaha County, South Dakota.
4. The Complaint was filed by Plaintiff on or about July 12, 2006. The time has not elapsed within which the Defendant is allowed to file this Notice of Removal.
5. This suit is within the original jurisdiction of this Court as it is predicated on 28 U.S.C. § 1332 pertaining to diversity of citizenship. The matter in dispute exceeds the sum of \$75,000.00, exclusive of interest and costs. The Defendant is not a citizen of South Dakota.

6. Attached are copies of all process and pleadings served upon the Defendant and filed in the underlying state court action.

7. No further pleadings, court orders or notices have been served upon the Defendant by the Plaintiff in this case.

WHEREFORE, the Defendant, Annett Holdings, Inc., hereby removes the above-captioned case from the Second Judicial Circuit Court for the County of Minnehaha, South Dakota to the United States District Court for South Dakota, Southern Division.

RITER, ROGERS, WATTIER & BROWN, LLP

By: 

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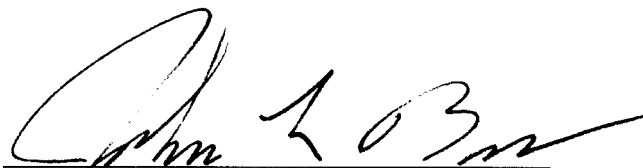
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ATTORNEYS FOR DEFENDANT

#### CERTIFICATE OF SERVICE

I, John L. Brown, certify that a true and correct copy of Notice of Removal was mailed to the following by first class mail on the 14<sup>th</sup> day of August, 2006:

Roberto A. Lange  
Cheryle W. Gering  
Davenport, Evans, Hurwitz & Smith, LLP  
206 West 14<sup>th</sup> Street  
P.O. Box 1030  
Sioux Falls, SD 57101-1030



John L. Brown